

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 237A.2, 237A.5(2)“k,” 237A.8, and 237A.12, the Department of Human Services proposes to amend Chapter 109, “Child Care Centers,” and Chapter 110, “Child Development Homes,” Iowa Administrative Code.

These amendments provide clear regulatory guidance for licensed child care centers regarding the requirement to post a provisional license status in a conspicuous place within the center. Additionally, the amendments provide clear regulatory guidance for licensed child care center staff regarding the requirement to notify parents, guardians, and legal custodians immediately following an incident of inappropriate, sexually acting-out behavior in the center.

Any interested person may make written comments on the proposed amendments on or before September 24, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237A.12.

The following amendments are proposed.

ITEM 1. Amend paragraph **109.2(6)“d”** as follows:

d. If the center’s license is denied, suspended or revoked, the administrator of the department shall notify the parent, guardian, or legal custodian of each child for whom the facility provides child care. The center shall cooperate with the department in providing the names and address of the parent, guardian, or legal custodian of each child for whom the facility provides child care.

ITEM 2. Amend paragraph **109.4(3)“a”** as follows:

a. Postings are required for the certificate of license, notice of exposure of children to a communicable disease, and notice of ~~actions~~ action to deny, suspend, or revoke the center’s license or reduce the center’s license to a provisional status. The center’s license, reflecting current regulatory status, and all other required postings shall be conspicuously placed at the main entrance to the center. If the center is located in a building used for additional purposes and shares the main entrance to the building, the required postings shall be conspicuously placed in the center in an area that is frequented daily by parents or the public.

ITEM 3. Amend paragraph **109.6(6)“i”** as follows:

i. Notice to parents. The administrator of the department shall notify the ~~parent, guardian, or legal custodian~~ parents, guardians, and legal custodians of each child for whom the person provides child care if there has been founded child abuse committed by an owner, director, or staff member of the child care center. The center shall cooperate with the department in providing the names and addresses of the ~~parent, guardian, or legal custodian~~ parents, guardians, and legal custodians of each child for whom the facility provides child care.

ITEM 4. Amend subrule 109.10(10) as follows:

109.10(10) Recording incidents. Incidents involving a child, including minor injuries, minor changes in health status, or other minor behavioral concerns, shall be reported to the ~~parent~~ parents, guardians, and legal custodians on the day of the incident. Incidents resulting in an injury to a child shall be reported to the parent on the day of the incident. Incidents resulting in a serious injury to a child or incidents resulting in a significant change in the health status of a child shall be verbally reported ~~immediately~~ to the ~~parent~~ parents, guardians, and legal custodians immediately. The parents, guardians, and legal custodians of any child included in incidents involving inappropriate, sexually acting-out behavior shall be notified immediately after the incident. A written report, fully documenting every incident, shall be provided to the parent or person authorized to remove the child from the center. The written report shall be prepared by the staff member who observed the incident and a copy shall be retained in the child's file.

ITEM 5. Amend paragraph **110.7(3)“i”** as follows:

i. Notice to parents of abuse in care. If there has been founded child abuse committed by an owner, director, or staff member of the child care facility or child care home, the department's administrator shall notify the ~~parent, guardian, or custodian~~ parents, guardians, and legal custodians of each child for whom the facility or child care home provides care. The child care facility or child care home shall cooperate with the department in providing the names and addresses of the parents, guardians, and legal custodians of each child for whom the facility provides child care.

(1) to (3) No change.

ITEM 6. Adopt the following **new** subrule 110.7(6):

110.7(6) Required notifications. If a certificate of registration is revoked, the administrator of the department shall notify the parent, guardian, or legal custodian of each child for whom the facility provides care. The provider shall cooperate with the department in providing the names and address of the parent, guardian, or legal custodian of each child for whom the facility provides child care.